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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN ZIMMERMAN, an individual;
Plaintiff,
v.
YSR, Inc.
Defendant.

CASE NO.: 2:17-cv-00438-GMN-GWF

**STIPULATION AND [PROPOSED] ORDER
FOR EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING TO PLAINTIFF'S
COMPLAINT**

(First Request)

Defendant, YSR, Inc. (hereinafter "Defendant"), by and through its counsel of record, SHERI M. THOME, ESQ. and CHAD BUTTERFIELD, ESQ., of the law firm WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, and Plaintiff, KEVIN ZIMMERMAN, by and through his counsel of record, WHITNEY C. WILCHER, ESQ. of the law offices of THE WILCHER FIRM hereby stipulate and agree to extend the deadline for filing a responsive pleading to May 31, 2017.

Plaintiff has represented to Defendant that service of the summons and complaint in this matter were effected on April 17, 2017. Based on that representation, Defendant's responsive pleading was originally due on or before May 8, 2017. Plaintiff has graciously agreed to extend the responsive pleading deadline to May 31, 2017.

This stipulation is submitted in compliance with LR IA 6-1. Good cause exists for the requested extension, as Defendant is in the process of conducting an internal survey with respect to the alleged ADA violations identified in the Complaint. The results of this survey are necessary for Defendant to form its defense strategy in this case. Accordingly, the parties agree that the requested extension furthers the interests of this litigation and is not being requested in bad faith or to delay these proceedings unnecessarily.

The parties' failure to file this stipulation on or before May 8, 2017 was the result of excusable neglect, as Defendant was unaware of the date of service of the summons and complaint until after the deadline had already expired. Defendant had requested from Plaintiff the date of service of the summons and complaint, which Plaintiff only recently provided. Accordingly, the parties respectfully submit that the failure to file this stipulation on or before the expiration of the original responsive pleading deadline was the result of excusable neglect.

This is the parties' first request for extension of the deadline.

DATED this 12th day of May, 2017.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

/s/ Sheri M. Thome

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DATED this 12th day of May, 2017.

THE WILCHER FIRM

/s/ Whitney C. Wilcher

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Las Vegas, NV 89117
Attorney for Plaintiff Kevin Zimmerman

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2 **ORDER**
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4 **GOOD CAUSE SHOWN, IT IS SO ORDERED.**
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6 Dated this 15th day of May ____, 2017.
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10 UNITED STATES MAGISTRATE JUDGE
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